

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Prepared By	Jurisdiction	Date
Gary Cooper	City of Vader	December 2020

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Table 3 of the SMP prohibits overwater structures, so this provision is unnecessary.	Reference to docks was deleted from the draft SMP.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	Does not apply in Vader.	None.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Vader has no marine shorelines.	None.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Revision required.	Section 3.7.I.1 has been revised to reflect the current threshold amount.
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	The definition of Development is at Section 9, 33, and is current.	None.
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	Revision required.	Section 3.3.F.15 has been revised.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Revision required.	Section 2.3.F13 has been revised.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	Forest practices are prohibited in all Vader shoreline designations.	None.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Section 1.2.D 1-4 is consistent with this clarification.	None.
g.	Ecology clarified “default” provisions for nonconforming uses and development.	SMP is current.	None.

Row	Summary of change	Review	Action
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	Section 1.11 is consistent.	None.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	Section 1.11 is consistent.	None.
j.	Submittal to Ecology of proposed SMP amendments.	Section 1.11 is consistent.	None.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Found at 3.7.I.15	None.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Found at 6.2.2.C.6	None.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Not in current SMP, but also not required.	None.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Vader's only shoreline is Olequa Creek, where no floating homes are allowed.	None.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	Not required to be referenced in SMP.	None.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Found at 6.2.2.C.5.	None.

Row	Summary of change	Review	Action
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Vader has no marine shorelines.	None.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Vader has no floating homes and no shorelines that would allow floating homes.	None.
d.	The Legislature authorizing a new option to classify existing structures as conforming .	This option is not required, and does not exist in the current SMP.	None.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	These clarifications are reflected in the current draft.	None.
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	Found at 8.5.2.C.	None.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Mitigation banks, or the use of credits from mitigation banks, are not currently authorized in Vader.	None.
c.	The Legislature added moratoria authority and procedures to the SMA.	The current SMP does not contain language on adopting a moratorium, and this is not required.	None.
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	Found at 9.50.	None.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	The SMP meets this requirement.	None.
c.	Ecology’s rule listing statutory exemptions from the requirement for an SDP was	Found at 3.7.I.14.	None.

Row	Summary of change	Review	Action
	amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.		

Additional amendments

Modify this section, as needed, to reflect additional review issues and related amendments. The summary of change could be about Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data.

SMP Section	Summary of change	Discussion
Section 3F – Shoreline Permits and Administration	The process for approving Shoreline Substantial Development, Conditional Use and Variances is changed from City Council approval to Hearings Examiner approval.	Using a Hearings Examiner makes the City’s process consistent with the process used by most jurisdictions.
Shoreline Designation Map	The Shoreline Designation Map is amended from Conservancy Designation for the entirety of Olequa Creek to a designation of High Intensity for a small area on either side of SR 507 (see map). Other than the small area of High Intensity adjacent to 507, the remainder of the Creek remains in a Conservancy designation.	The redesignation to High Intensity is to acknowledge existing commercial and industrial uses for this reach.
Table 1 – Uses and Activities by Shoreline Designation	Industrial Uses are allowed as either permitted or conditional uses in the High Intensity Designation.	This is to acknowledge existing uses in the redesignated High Intensity area.
Table 2 – Regulations by Shoreline Environment Designation.	Development standards for height, Ordinary High Water Mark setback, and impervious surfaces are established.	This establishes standards for the redesignated High Intensity area.
Section 7 – Uses and Activities Policies and Regulations	Policies and regulations for Industrial Development are established.	This provides policy and regulatory direction for industrial uses in the redesignated High Intensity environment.
Section 9 - Definitions	A definition of “wrecking yard” is added.	This accounts for an existing use in the High Intensity designation.

